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September 5, 2013

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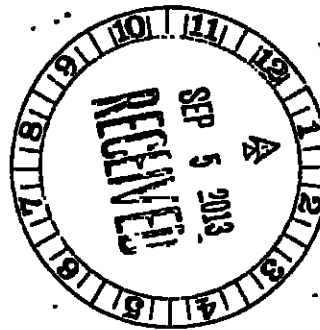
## VIA FEDERAL EXPRESS

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W., Room 1034  
Washington, DC 20024

ENTERED  
Office of Proceedings

SEP 6 - 2013

Part of  
Public Record



Re **Docket No. AB-303 (Sub-No. 42X)**  
**Wisconsin Central Ltd. -- Abandonment**  
**Exemption -- In Brown County, Wisconsin**

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the **Petition for Exemption of Wisconsin Central Ltd.**, dated September 6, 2013. A check in the amount of \$6,500, representing the appropriate fee for this filing, is attached.

In accordance with 49 C.F.R. § 1152.60(c), a computer disk containing the text of the draft *Federal Register* notice of this petition for exemption (Exhibit B to the Petition) in MS Word 2010 format also is enclosed. For convenience, this disk also contains the text of the Petition for Exemption.

The original copy of the Environmental/Historic Report (Exhibit E to the Petition) has been provided directly to the Board's Office of Environmental Analysis.

If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance on this matter. Kind regards.

**FILED**

SEP 6 - 2013

**SURFACE  
TRANSPORTATION BOARD**

Respectfully submitted,

Audrey L. Brodrick  
Attorney for Wisconsin Central Ltd.

ALB.dg  
Enclosures  
cc: Ms. Victoria J. Rutson, Room 1106

**FILED**

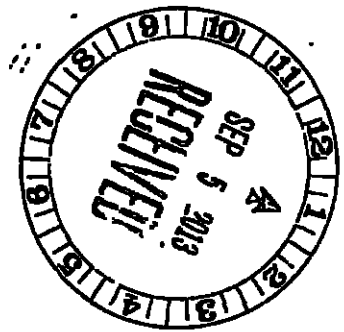
SEP 6 - 2013

**SURFACE  
TRANSPORTATION BOARD**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO 42X)

WISCONSIN CENTRAL LTD.  
-- ABANDONMENT EXEMPTION --  
IN BROWN COUNTY, WISCONSIN



**FILED**  
SEP 6 - 2013  
SURFACE  
TRANSPORTATION BOARD

PETITION FOR EXEMPTION OF  
WISCONSIN CENTRAL LTD.

ENTERED  
Office of Proceedings  
SEP 6 - 2013  
Part of  
Public Record

**FEE RECEIVED**  
SEP 6 - 2013  
SURFACE  
TRANSPORTATION BOARD

Audrey L. Brodrick  
Fletcher & Sippel LLC  
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Suite 920  
Chicago, Illinois 60606-2832  
(312) 252-1500

ATTORNEY FOR  
WISCONSIN CENTRAL LTD.

Dated: September 6, 2013

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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DOCKET NO. AB-303 (SUB-NO 42X)

WISCONSIN CENTRAL LTD.  
-- ABANDONMENT EXEMPTION --  
IN BROWN COUNTY, WISCONSIN

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**PETITION FOR EXEMPTION OF  
WISCONSIN CENTRAL LTD.**

Pursuant to 49 U.S.C. § 10502 and the regulations of the Surface Transportation Board (the "Board") at 49 C.F.R. §§ 1121 and 1152.60, Wisconsin Central Ltd ("WCL") hereby petitions the Board for an exemption from the prior approval requirements of 49 U.S.C. § 10903 for WCL to abandon a line of railroad, referred to herein as "the Line," extending from milepost 97.75 and ending at milepost 98.08 in Denmark, Brown County, Wisconsin, a distance of approximately 0.33 miles. A map showing the location of the line to be abandoned is attached to this Petition as Exhibit A. A draft *Federal Register* notice of this Petition in the form prescribed by 49 C.F.R. § 1152.60(c) is attached hereto as Exhibit B.

After abandonment, and assuming that the State of Wisconsin waives its acquisition rights under Wis. Stat. Ann. 85.09, the rail and track materials on the Line will remain in place and will be transferred to United Cooperative, the sole shipper on the Line, so that it may expand and improve its facilities for continued and future increased rail service. In its current configuration, United Cooperative's facility in Denmark cannot handle its recent growth in business, largely due to the fact that its rail facilities are not sufficient to handle such volume. Because the Line will simply be converted from a regulated line of railroad to private industry track, United Cooperative will remain a rail-served property after the abandonment. United

Cooperative fully supports WCL's petition to abandon the Line as the company's future business development is dependent on its ability to expand its rail facilities. A letter from United Cooperative in support of WCL's petition to abandon is attached hereto as Exhibit C.

Aside from existing rail traffic to United Cooperative, there is no reasonable possibility for the development of other rail traffic as United Cooperative is the end of WCL's line and there is no further trackage beyond the United Cooperative Facility. An original verification as required under 49 CFR 1152 is attached hereto as Exhibit D.

As discussed further below, abandonment of the Line plainly satisfies the exemption criteria of 49 U.S.C. § 10502, and this petition should be granted.

In accordance with 49 C.F.R. § 1150.60(d), a copy of this petition has been served on the parties designated in 49 C.F.R. § 1152.50(d).

## **I. IDENTIFICATION OF PETITIONER**

Petitioner WCL is a common carrier by rail which owns or operates approximately 2400 route miles of rail line in the states of Illinois, Indiana, Michigan, Minnesota and Wisconsin. WCL is a wholly-owned indirect subsidiary of Canadian National Railway Company. See Canadian National Ry. Co. -- Control -- Wisconsin Central Transp. Corp., 5 S.T.B. 890 (2001).

The complete name and address of WCL is:

Wisconsin Central Ltd.  
17641 South Ashland Avenue  
Homewood, Illinois 60430  
(708) 332-4381

## **II. DESCRIPTION OF LINE TO BE ABANDONED**

I. The Line WCL seeks to abandon is a single-track, stub-ended line that begins at a connection with WCL's mainline at milepost 97.75 and ending at milepost 98.08 in Denmark,

Wisconsin. The Line is situated in Brown County, Wisconsin and extends a total distance of approximately 0.33 miles.

After receiving the authority to abandon, and subject to the State's cooperation as noted above, WCL will convey the track and property to United Cooperative, the sole shipper currently on the Line, so that it may expand and improve its facilities. Aside from the already existing rail traffic to United Cooperative, there is no reasonable possibility for the development of new rail traffic as the Line's mainline ends at Pine Street and there is no further trackage beyond that street. The trackage south of Pine Street was abandoned several years ago and turned into a trail. See STB Docket Number Docket No. AB-303 (Sub-No. 34X). Thus, United Cooperative is the only shipper on the Line.

The right-of-way of the Line is generally 58 feet wide. Pursuant to 49 C.F.R. § 1152.60(d), WCL states that, based on information in its possession, the Line does not contain federally granted rights-of-way. Any relevant documentation on this subject in WCL's possession will be made available promptly to those requesting it. The Line traverses United States Postal Service Zip Code 54208.

### **III. JURISDICTION AND STATUTORY STANDARDS**

The Board has jurisdiction over the proposed abandonment of WCL's Line pursuant to 49 U.S.C. § 10903. Generally, a common carrier by rail must obtain authority from the Board under Section 10903 before abandoning a line of railroad. However, 49 U.S.C. § 10502 requires the Board to exempt a person, transaction or service from the statutory and regulatory requirements otherwise applicable to a rail carrier when the Board determines that (1) application of those requirements is not necessary to carry out the rail transportation policy of

49 U.S.C. § 10101; and (2) either (a) the transaction is of limited scope or (b) regulation is not needed to protect shippers from an abuse of market power.

#### **IV. CRITERIA OF 49 U.S.C. § 10502**

##### **A. Detailed Scrutiny Under 49 U.S.C. § 10903 Is Not Necessary To Carry Out The Rail Transportation Policy Of 49 U.S.C. § 10101**

Granting WCL an exemption to abandon the Line is consistent with the goals articulated in the National Rail Transportation Policy, 49 U.S.C. § 10101. As explained above, United Cooperative has experienced a significant increase in business and its current facilities cannot adequately handle this increase in business. To meet the demands of this new business, United Cooperative needs to expand and re-develop its rail facilities so that it can increase its rail services to accommodate its business growth. Thus, by allowing WCL to abandon the Line and transfer the line and property to United Cooperative for further expansion and development, WCL will see an increase rail traffic and revenue in the future. This transaction will allow WCL to meet the needs of United Cooperative and increase WCL's revenues, as well as encourage the honest and effective management of railroads. Additionally, the transaction will promote the development of an economically sound and efficient transportation system. 49 U.S.C. §§ 10101(3), (4), (5) and (9).

The rail transportation policy also provides that the Board should minimize the need for federal regulatory control over the rail transportation system, expedite regulatory decisions and reduce barriers to exit. 49 U.S.C. §§ 10101(2), (7), and (15). The statutory exemption procedure of Section 10502 obviates the need for the expensive and time-consuming processes attendant to a proceeding under Section 10903, including the costs of preparing an

application. Reliance on the adequate and expeditious exemption procedure herein would minimize Board regulation of this transaction and reduce the regulatory burden on WCL.

*None of the other rail transportation policy criteria will be adversely affected.* United Cooperative is the only shipper located on the line and there is no further trackage beyond the United Cooperative facility. After abandonment, rail services will continue and in fact increase to United Cooperative.

**B. The Transaction Is Of Limited Scope**

The transaction for which exemption is sought consists solely of the abandonment of a stub-ended spur track totaling approximately 0.33 miles and which serves only one shipper. Additionally, there is no reasonable prospect of future rail traffic, beyond that to United Cooperative, as there is no further trackage beyond the United Cooperative facility. The proposed abandonment clearly is of limited scope

**C. Regulation Is Not Necessary To Protect Shippers From An Abuse Of Market Power**

Since this transaction is of limited scope, WCL does not need to demonstrate that regulation is unnecessary to protect shippers from abuse of market power. 49 U.S.C. § 10502(a)(2) Even so, it is clear that this transaction will not and cannot subject shippers to any market power abuse. As stated above, United Cooperative is the only shipper on the line and there is no further trackage beyond the United Cooperative facility. Rail service to United Cooperative will continue after abandonment. Accordingly, regulation by the Board of this abandonment is not and cannot be necessary to protect any shipper from an abuse of power.

**V. LEVEL OF LABOR PROTECTION TO BE IMPOSED**

WCL does not anticipate any adverse impact on employment levels as a result of the proposed abandonment. Subsequent to abandonment, the Line will remain a rail-served

facility and in fact, WCL and United Cooperative anticipate an increase in rail traffic as a result of the abandonment and United Cooperative's facility expansion. WCL agrees that the appropriate level of employee protection to be imposed on this abandonment is that established in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979)

**VI. ENVIRONMENTAL REPORT**

In accordance with the requirements of 49 C.F.R. §§ 1105.7(a), 1105.8(a) and 1121.3(b), an Environmental/Historic Report is attached as Exhibit E to this Petition.

WHEREFORE, WCL respectfully requests that the Board exempt from the prior approval requirements of 49 U.S.C. § 10903 the abandonment by WCL of its line extending from milepost 97.75 and ending at milepost 98.08 in Denmark, Brown County, Wisconsin

Respectfully submitted,

By: 

Audrey L. Brudrick  
Fletcher & Sippel LLC  
29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832  
(312) 252-1500

**ATTORNEYS FOR  
WISCONSIN CENTRAL LTD.**

Dated: September 6, 2013



**CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>th</sup> day of September, 2013, a copy of the foregoing **Petition for Exemption of Wisconsin Central Ltd.** was served by first class mail, postage prepaid, upon the agencies specified in 49 C.F.R. § 1152.50(d)(1) and all known customers on the line to be abandoned, as follows:

Ms Leanna Wall  
Director, Bureau of Railroads and Highways  
Wisconsin Department of Transportation  
P O Box 7914  
Madison, WI 53707-7914

Wisconsin Department of IGA Relations  
P.O. Box 7868  
101 East Wilson Street, 6th Floor  
Madison, WI 53707-7868

Mr. Tom Tidwell  
Chief of the Forest Service  
U S. Department of Agriculture  
1400 Independence Avenue, S W  
Washington, DC 20250-0003

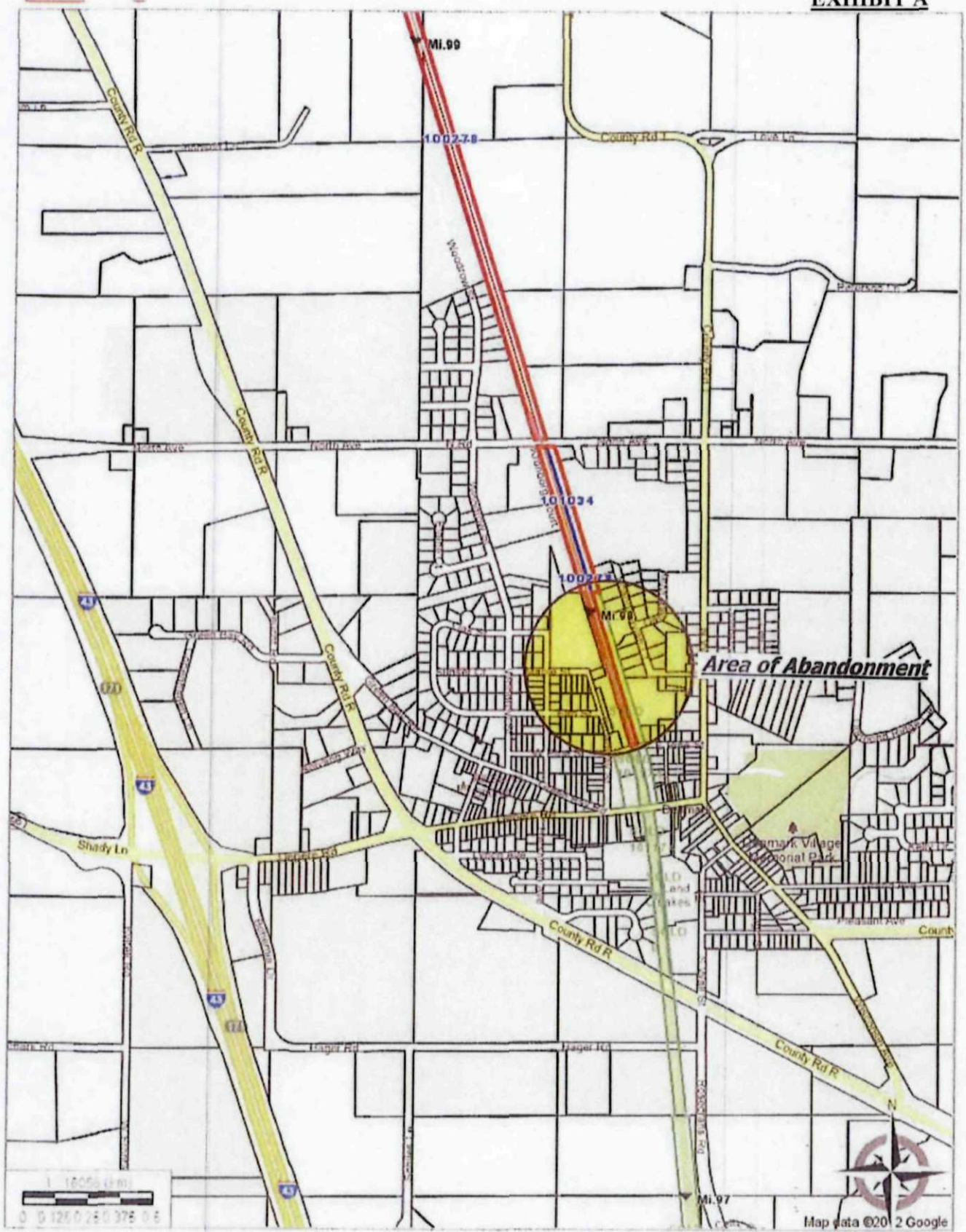
National Park Service  
Attn: Charlie Stockman  
Org: 2220  
1201 I (Eye) Street NW  
Washington D C. 20005

Railroads For National Defense Program  
Military Surface Deployment & Distribution Command  
Transportation Engineering Agency  
1 Soldier Way, Bldg. 1900W  
Scott AFB, IL 62225- 5006

United Cooperative  
Attention David A. Cramer  
N7160 Raceway Road  
Beaver Dam, Wisconsin 53916

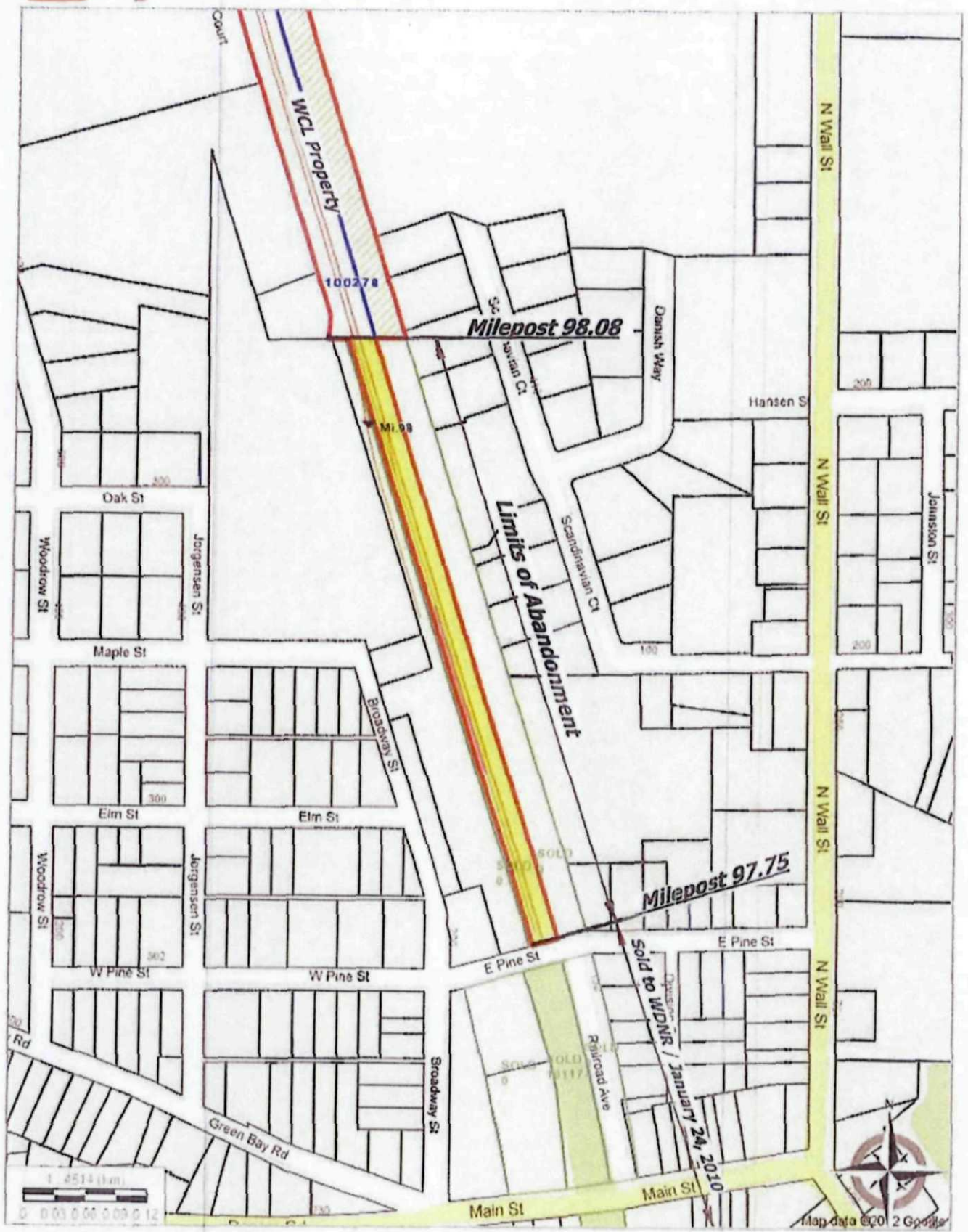
  
Audrey L. Brodrick

**EXHIBIT A**



**Denmark, Brown County, Wisconsin**





The map image is not up to scale

# **Denmark, Brown County, Wisconsin**

***Federal Register Notice***

Docket No. AB-303 (Sub No. 42X)

**Notice of Petition for Exemption to Abandon**

On September 6, 2013, Wisconsin Central Ltd. ("WCL") filed with the Surface Transportation Board, Washington, DC 20423, a petition for exemption for WCL to abandon a line of railroad extending from milepost 97.75 to milepost 98.08 in Denmark, Brown County, Wisconsin, a distance of approximately 0.33 miles. The line for which the abandonment exemption request was filed traverses United States Postal Service ZIP Code 54208.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions specified in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested parties should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the *Federal Register*.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis.

Any environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Office of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.



Re: Petition for exemption for the abandonment, AB – 303 (Sub-No. 42X)

Dear members of the Surface Transportation Board

I'm writing this letter in support of, and to stress the importance of Wisconsin Central Ltd 's (WCL) petition for exemption for the abandonment of line of railroad, referred to herein as the United Cooperative Spur, extending from Milepost 97 75 to the end of the line at Milepost 98 08, a distance of approximately 0.3 miles in Denmark, Brown County, Wisconsin

United Cooperative is the sole shipper along the United Cooperative Spur. The United Cooperative facility in Denmark is the end of WCL's mainline and accordingly, there is no rail service beyond the United Cooperative facility. United Cooperative is the largest farm-supply cooperative in Wisconsin and the 60th largest agricultural cooperative in the United States. With more than 77 years of experience, our core business includes the areas of feed, grain, agronomy, fuel, propane, and lubricants. We have locations throughout south-central and north-east Wisconsin and excel in efficiency, financial success, and customer service.

In recent years, United Cooperative has experienced a significant increase in business, and as a result, a significant demand for an increase in rail services. For example, in 1984, United Cooperative had \$7 million in sales, in 2012, we had \$643,000,000 in sales. During the early part of 2012, United Cooperative merged with three smaller cooperatives in north-east Wisconsin. Included on this list is our Denmark, Wis., feed, grain, agronomy, and energy location. In its current state, United Cooperative's facility in Denmark cannot handle this growth, largely due to the fact that our current rail facilities are not large enough to handle such volume. In order to effectively grow and handle this increase in business, United Cooperative needs to expand its facility and re-develop the property to allow for an increase in rail service. To accomplish this goal, United Cooperative and WCL have come to agreement whereby WCL will convey the very limited track identified above so that United Cooperative can re-develop the property and rail facilities and make the necessary changes to accommodate the expansion of its business. After the completion of this re-development, WCL will continue to service United Cooperative. Of course, this agreement is contingent upon the Board's approval of WCL's petition for exemption to abandon the United Cooperative Spur and end its common carrier service on this portion of railroad line.

Without the Board's approval of WCL's petition for abandonment of the United Cooperative Spur, United Cooperative cannot expand its business, and rail service needs to accommodate the current demands of its clients. Accordingly, United Cooperative supports WCL's petition to abandon in full. If you need any more information, please do not hesitate to contact me.

Thank you for considering our position in support of WCL's abandonment of the United Cooperative Spur.

Sincerely,

David A. Cramer  
United Cooperative President and Chief Executive Officer

**EXHIBIT D**

**VERIFICATION**

State of Illinois     )  
                                  )  
County of Cook     )

SS:

Brian

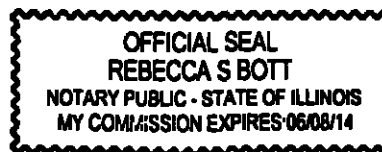
Manager -  
Network

Buchanan, being duly sworn, deposes and says that he is the Strategies for Wisconsin

Central Ltd., that he has read the foregoing Petition for Exemption and knows the facts asserted therein, and that the same are true as stated.

Brian Buchanan

SUBSCRIBED AND SWORN TO  
before me this 29<sup>th</sup> day  
of August, 2013.



Rebecca S. Bott

Notary Public  
My Commission expires:

**EXHIBIT E**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**DOCKET NO AB-303 (SUB-NO 42X)**

**WISCONSIN CENTRAL, LTD  
-- ABANDONMENT EXEMPTION --  
IN DENMARK, BROWN COUNTY, WISCONSIN**

**APPENDICES TO  
ENVIRONMENTAL/HISTORICAL REPORT**

**Appendix**

Map showing Line location . . . . .	A
Brown County Board of Commissioners Notice Letter . . . . .	B
Wisconsin Department of Transportation Notice Letter . . . . .	C
NOAA/National Geodetic Survey Notice and Response Letters . . . . .	D
Natural Resources Conservation Service Notice Letter . . . . .	E
Office of Water-U S Environmental Protection Agency Notice Letter . . . . .	F
U.S. Fish and Wildlife Service Notice Letter.. . . .	G
Wisconsin Department of Natural Resources Notice and Response Letters . . . . .	H
Wisconsin Department of Administration Notice Letter.....	I
National Park Service Notice Letter.....	J
U.S. EPA Region 5 Notice Letter .. . . .	K
U S Army Corps of Engineers Notice and Response Letters . . . . .	L
Wisconsin Historical Society Notice and Response Letters . . . . .	M
Certificate of Compliance with 49 C.F.R. Part 1105.....	N

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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DOCKET NO AB-303 (SUB-NO 42X)

WISCONSIN CENTRAL, LTD  
-- ABANDONMENT EXEMPTION --  
IN DENMARK, BROWN COUNTY, WISCONSIN

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ENVIRONMENTAL/HISTORICAL REPORT

*Wisconsin Central, Ltd ("WCL") submits this Environmental/Historic Report in compliance with the reporting requirements of 49 C.F.R. §§1105.7 and 1105.8. Supporting correspondence is attached. It is the conclusion of this Report that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.*

ENVIRONMENTAL REPORT - 49 C.F.R. § 1105.7(e)

1. Proposed Action and Alternatives. WCL seeks to abandon a portion of its railroad line starting at MP 97.75 and ending at MP 98.08 in Denmark, Wisconsin ("the Line"). The Line is situated in Brown County, Wisconsin and extends a total distance of approximately 0.33 miles.

After receiving the authority to abandon, WCL will convey the track and property to United Cooperative, the sole-shipper currently on the Line, so that it may expand and improve its facilities. Aside from the already existing rail traffic to United Cooperative, there is no reasonable possibility for the development of new rail traffic as the Line's mainline ends at Pine Street and there is no further trackage beyond that street. The trackage south of Pine Street



was abandoned several years ago and turned into a trail. A map showing the location of the Line and surrounding streets is attached herein as Appendix A

Because United Cooperative will be purchasing the property and rail from WCL, it will remain a rail served property following the abandonment. Accordingly, the vast majority of the rail and track materials will remain in place following this abandonment. Thus, the railbed and subgrade of the Line will remain in place and not be disturbed. There are no grade crossings within this abandonment. There are no bridges located along the Line and The State Historic Preservation Office within the Wisconsin Historical Society ("SHPO") has indicated that no historic structures will be affected by abandonment of this Line.

No alternatives to the proposed abandonment have been considered.

WCL has contacted and requested comments from the Brown County Board of Supervisors. See correspondence attached herein as Appendix B. WCL has received no comments to date.

2. Transportation System. WCL does not anticipate that existing regional or local transportation systems or patterns will be affected by the proposed abandonment since WCL intends on continuing service to the one current shipper by rail. Thus, no traffic will be diverted to other transportation systems or modes as a result of the proposed abandonment. There is no overhead traffic on the Line, and no passenger trains are operated over the Line.

WCL has contacted and requested comments from the State of Wisconsin Department of Transportation. See correspondence attached herein as Appendix C. WCL has received no comments to date.

3. Land Use.

(i) WCL does not foresee any inconsistency with regional and/or local land use plans, but has contacted and requested comments from the NOAA/National Geodetic Survey. The NOAA/National Geodetic Survey has responded. See correspondence attached herein as Appendix D. To the extent that WCL engages in salvage activities of the Line, WCL will consult with the National Geodetic Survey prior to beginning any such activities that will disturb, or destroy any geodetic station marks.

(ii) The proposed abandonment lies entirely within the limits of Brown County, Wisconsin. The Natural Resource Conservation Service (NRCS) has been contacted and comments requested. See correspondence attached herein as Appendix E. WCL has received no comments to date.

(iii) This track does not appear to be within a designated Coastal Zone Management Area and, accordingly, the proposed abandonment will not affect any land or water uses in such an area or result in any coastal impacts. WCL has contacted the Office of Water at the U.S. Environmental Protection Agency, to determine whether the proposed abandonment is consistent with applicable federal, state and local water quality standards. See correspondence attached hereto as Appendix F. WCL has received no comments to date. The rail and other salvagable materials will largely remain in place therefore proper erosion control in the removal of rail is not an issue.

(iv) WCL is not aware of any alternative public use under 49 U.S.C. § 10905 for which the remainder of the right-of-way would be suitable.

4. Energy.

(i) The proposed abandonment will not have any effect on the transportation of energy resources. No energy resource commodities move on the Line, and WCL foresees little or no possibility that such on-line traffic would develop in the future.

(ii) The movement and/or recovery of recyclable commodities will not be adversely affected by this abandonment. No such traffic has been handled on this line, and WCL foresees little or no possibility that any online recyclable commodity traffic would develop in the future.

(iii) Abandonment will not result in an increase or decrease in overall energy efficiency. The single shipper currently located on the Line will continue to operate after WCL's abandonment of the Line and thus there will be no changes in existing transportation patterns or energy usage as a result of the proposed abandonment.

(iv) Not applicable. Abandonment of the Line will not cause the diversion of more than 1,000 rail carloads per year or an average of 50 rail carloads per mile per year to motor carriers.

5. Air.

(i) Not applicable. Abandonment will not result in (A) a minimum increase in rail traffic of 100% or eight trains per day on any segment of rail line, (B) an increase in rail yard activity of at least 100%, or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles per day on any road segment.

(ii) Not applicable. Abandonment of the Line will not result in traffic increases which exceed the thresholds specified in 49 C.F.R. § 1105.7(c)(5)(ii)(A), (B) or (C).

(iii) Not applicable The transportation of ozone depleting materials is not contemplated

6. Noise. Not applicable. As indicated above, none of the thresholds identified in 49 C.F.R. § 1105.7(c)(5)(i) will be exceeded as a result of the abandonment

7. Safety.

(i) The proposed action will have no adverse effect upon public health or safety This abandonment will not require salvage operations as the track will largely remain in place.

(ii) Not applicable. To WCL's knowledge, no hazardous commodities were ever handled on this Line. Accordingly, the proposed abandonment will have no effect on the transportation of hazardous materials.

(iii) To the best of WCL's knowledge, there are no known hazardous waste sites or any hazardous waste materials involved Therefore, WCL believes that its abandonment will not have any adverse impact on this site

8. Biological Resources

(i) The U.S. Fish and Wildlife Service has been contacted and WCL has requested comments. WCL has received no comments to date. WCL does not believe this abandonment will affect the wetlands or any endangered or threatened species, if any, present in this area. See correspondence attached as Appendix G.

WCL has also contacted and requested comments from the Wisconsin Department of Natural Resources. See correspondence attached herein as Appendix H. WCL does not anticipate any issues related erosion, water quality, wildlife sanctuaries, endangered species or other natural resources concerns due to the fact that the track will remain largely in

place and rail service will continue over the line. Per the Department of Natural Resource's request, WCL has contacted the Wisconsin Department of Administration regarding any Coastal Zone Management issues. See Correspondence attached as Appendix I. To date, WCL has received no comments from the Wisconsin Department of Administration.

(ii) The National Park Service has been contacted and comments requested. See correspondence attached herein as Appendix J. WCL has received no comments to date.

9. Water.

(i) The US EPA for Region 5 of the Environmental Protection Agency has been contacted and we have requested comments from them. See correspondence attached herein as Appendix K. WCL has received no comments to date.

(ii) The Army Corps of Engineers has been contacted to determine if the proposed abandonment requires permits under Section 404 of the Clean Water Act. The Army Corps of Engineers has responded. See correspondence in Appendix L. WCL does not anticipate that the abandonment will involve discharge of dredged or fill materials into any existing wetlands and the abandonment will not involve activity in navigable waters of the United States. The Army Corps of Engineers has also responded to WCL's Environmental and Historic Report served on August 9, 2013. The Army Corp of Engineer's second response is also included in Appendix L. WCL will correspond with the Regulatory Office regarding any permitting questions.

WCL has contacted and requested comments from the State of Wisconsin Department of Natural Resources and the Wisconsin Department of Natural Resources has responded. See correspondence in Appendix H. WCL will comply with all applicable regulations and rules as related to the proposed abandonment. However, because the track will largely remain in place,

the potential issues raised by Wisconsin Department of Natural Resources issues are inapplicable. Further, as mentioned in other places in this report, WCL has contacted the Wisconsin Coastal Zone Management Department as well as the U.S. Army Corps of Engineers Office. See Appendices I and L respectively.

In addition, abandonment should not impact any 100-year floodplain if no additional fill is placed in any floodplain.

(iii) Due to the fact that the track will largely remain in place, WCL concludes that no permits under Section 402 of the Clean Water Act are required. No material will be disposed of into waterway as part of the abandonment

10. Proposed Mitigation. As no adverse impact is anticipated, WCL does not propose any mitigation activities

11. Additional Information for Rail Constructions There is no rail construction proposed at this time

#### HISTORIC REPORT - 49 C.F.R. § 1105.8(d)

1. Map. A map of the Line is attached hereto as Appendix A.

2. Description of Line. The line to be abandoned extends from milepost 97.75 and ends at milepost 98.08 in Denmark, Wisconsin ("the Line"). The Line is situated in Brown County, Wisconsin and extends a total distance of approximately 0.33 miles, or 1,584 feet. The width of the right of way is approximately 58 feet

3. Photographs. There are no photographs of this Line attached because there are no buildings or structures located along this portion of the Line that are 50 years old or older. There are no grade crossings which will be removed with this abandonment.

4. **Information on Structures** There are no structures or bridges located along this Line.

5. **History of Operations.** The Line has been used to serve United Cooperative, the company who is purchasing the Line after the abandonment. WCL will continue to serve United Cooperative after the abandonment. There is no reasonable possibility for the development of new rail traffic, other than that serving United Cooperative, as the Line's mainline ends at Pine Street, and there are no shippers south of Pine Street. A map showing the location of the Line is attached herein as Appendix A.

6. **Engineering Documents** WCL will provide copies of any documents in its possession.

7. **Historic Criteria.** WCL has contacted and given notice of the proposed abandonment to The State Historic Preservation Office within the Wisconsin Historical Society ("SHPO"). See correspondence attached as Appendix M. SHPO's response to WCL indicates that no historic properties will be affected. See Appendix M.

8. **Ground Disturbances.** WCL has reported there are no archaeological resources in the area. Access to the line is generally good.

9. **Request by State Historic Preservation Office.** Upon request of the Wisconsin Historical Society, WCL will provide such additional information as may be requested under Section 1105 8(d)(9).

**CERTIFICATIONS - 49 C.F.R § 1105.7(c)**

A certification that the foregoing Report has been served on each of the agencies designated in 49 C.F.R. § 1105.7(b) and that WCL has consulted with all appropriate agencies in preparing this Report is attached hereto as Appendix N. A certification that, in accordance with 49 C.F.R. § 1105.12, WCL has published notice of the proposed abandonment in a newspaper of general circulation in the county through which the Line passes is attached hereto as Appendix N.

Dated: September 5, 2013

Respectfully submitted,

By: Audrey L. Brodrick  
Audrey L. Brodrick  
Fletcher & Sippel LLC  
29 North Wacker Dr., Suite 920  
Chicago, Illinois 60606  
312-252-1500 Telephone  
312-252-2400 Facsimile



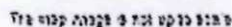


EXHIBIT  
A





# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

AUDREY L. BRODRICK  
(312) 252-1518  
abrodick@fletcher-sippel.com

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

April 18, 2013

Mr. Patrick Moynihan, Jr.  
County Board Chairperson—Brown County,  
Wisconsin  
305 East Walnut Street  
Green Bay, WI 54305

Re: Docket AB 303 (Sub No. 42X)--Wisconsin Central Ltd.  
Proposed Abandonment in Brown County, Wisconsin

Dear Mr. Moynihan:

Wisconsin Central Ltd ("WCL") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately .33 miles of railroad line starting at MP 97.75 and ending at MP 98.08 in Brown County, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

1. Water quality;
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5. Critical habitats;
6. Wildlife sanctuaries or refuges;
7. National or state parks or forests;
8. Coastal zone management;
9. Soil and natural resource conservations;
10. Agricultural land;
11. Regional and/or local use plans; and
12. The need or permits under Sections 402 or 404 of the Clean Water Act.

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

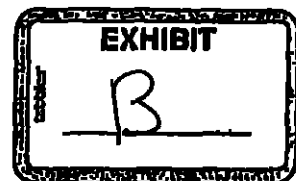
Thank you for your assistance.

Very truly yours,

*Audrey L. Brodrick*

Audrey L. Brodrick  
Counsel for Wisconsin Central Ltd.

ALB:dg  
Enclosure



# FLETCHER & SIPPEL LLC

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April 18, 2013

Wisconsin Department of Transportation  
Hill Firms State Transportation Building  
4802 Sheboygan Avenue  
PO Box 7910  
Madison, Wisconsin 53707-7910

Re: Docket AB 303 (Sub No. 42X)--Wisconsin Central Ltd.  
Proposed Abandonment in Brown County, Wisconsin

Dear Madam/Sir:

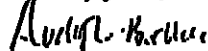
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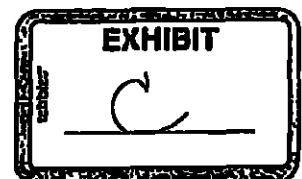
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Audrey L. Brodrick  
Counsel for Wisconsin Central Ltd.

ALB:dg  
Enclosure



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April 18, 2013

National Geodetic Survey Information Services  
SSMC-3, #9202  
1315 East-West Highway  
Silver Springs, Maryland 20910-3282  
Attention: Simon Monroe

Re: Docket AB 303 (Sub No. 42X)--Wisconsin Central Ltd.  
Proposed Abandonment in Brown County, Wisconsin.

Dear Mr. Monroe:

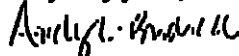
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Thank you for your assistance.

Very truly yours,



Audrey L. Brodrick  
Counsel for Wisconsin Central Ltd.

ALB:dg  
Enclosure



-----Original Message-----

From: Simon Monroe [mailto:simon.monroe@noaa.gov]

Sent: Friday, May 24, 2013 11:34 AM

To: Deborah Guzman

Cc: Audrey Brodick; Surface Transportation Board; Lucy Hall; Simon Monroe

Subject: NGS Response, STB Docket AB-303 (SUB NO. 042X)

Thank you for sharing your railroad abandonment environmental report for  
DENMARK, Brown County, WISCONSIN.

Approximately 01 geodetic survey marks may be located in the area described.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall  
consult with the National Geodetic Survey (NGS) at least 90 days prior to  
beginning salvage activities that will disturb, or destroy any geodetic station  
marks are described on the attached file. Additional advice is provided at

<http://geodesy.noaa.gov/marks/railroads/>

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# FLETCHER & SIPPET LLC

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www.fletcher-sippel.com

April 18, 2013

Mr. Gregory Hines, RC&D Coordinator  
National Resource Conservation Service  
3071 Voyager Drive, Suite B  
Green Bay, WI 54311-8343

Re: Docket AB 303 (Sub No. 42X)--Wisconsin Central Ltd.  
Proposed Abandonment in Brown County, Wisconsin

Dear Mr. Hines:

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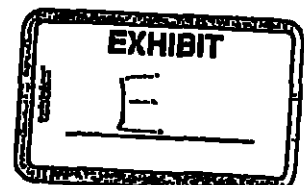
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Thank you for your assistance

Very truly yours,

*Audrey L. Brodrick*  
Audrey L. Brodrick  
Counsel for Wisconsin Central Ltd.

ALB:dg  
Enclosure



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April 18, 2013

U.S. Environmental Protection Agency  
Office of Water  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Re: Docket AB 303 (Sub No. 42X)--Wisconsin Central Ltd.  
Proposed Abandonment in Brown County, Wisconsin

Dear Madam/Sir:

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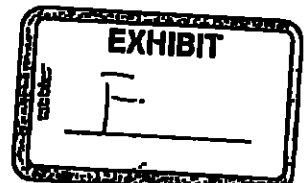
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ALB:dg  
Enclosure





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April 18, 2013

U.S. Fish & Wildlife Service  
2800 Lake Shore Drive East Suite 13  
Ashland, WI 54806-2427

Re: Docket AB 303 (Sub No. 42X)--Wisconsin Central Ltd.  
Proposed Abandonment in Brown County, Wisconsin

Dear Madam/Sir:

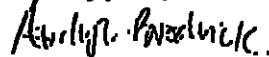
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April 18, 2013

Wisconsin Department of Natural Resources  
DNR Northeast Region HDQRS  
2984 Shmaw Ave.  
Green Bay, Wisconsin 54313-6727

Re: Docket AB 303 (Sub No. 42X)--Wisconsin Central Ltd.  
Proposed Abandonment in Brown County, Wisconsin.

Dear Madam/Sir:

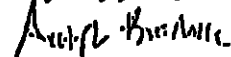
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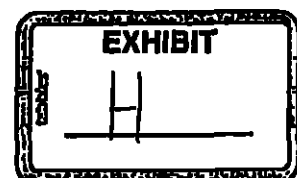
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Audrey L. Brodrick  
Counsel for Wisconsin Central Ltd.

ALB:dg  
Enclosure



State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
Northeast Region Headquarters  
2984 Shawano Ave.  
Green Bay, WI 54313-6727

Scott Walker, Governor  
Cathy Stepp, Secretary  
Jean Romback-Barfels, Regional Director  
Telephone 920 862-5114  
FAX 920 862-5413



May 13, 2013

File: Brown, 13414

Audrey L. Brodick  
Fletcher & Sippel LLC  
29 North Wacker Drive, Suite 920  
Chicago, IL 60606-2832

SUBJECT: Wisconsin Central Ltd. Proposed Abandonment  
Milepost 97.75 to 98.08  
Docket AB 303 (Sub No. 42X)  
Brown County

Dear Mr. Barron:

Thank you for the information regarding the proposed abandonment of the Wisconsin Central Ltd. rail line from Milepost 97.75 to Milepost 98.08 in the Village of Denmark in Brown County. Department staff have reviewed the proposal and offer comments on the potential impacts of the action on the following areas of concern:

#### 1. WATER QUALITY

Proper erosion control measures must be used and maintained during and after any track, tie, bridge or culvert removal. An erosion control plan should be developed and made part of the project plans and specifications. All areas of disturbed soil should be restored to original grade and re-seeded as soon as possible. Native species should be used where appropriate.

#### 2. DESIGNATED WETLANDS

The removal of track and ties should not affect any designated wetlands as they currently exist. However, original construction of the roadbed resulted in the filling of wetlands along the corridor. Original drainage patterns were also altered, resulting in changes to the local hydrology. If future use of the right-of-way is not for transportation or trail purposes, all fills should be removed and the original contours and vegetation re-established. Any work in wetlands may require local, state and/or Corps of Engineers permits.

#### 3. 100 YEAR FLOODPLAINS

The abandonment itself should have no impact on the 100-year floodplain if no additional fill is placed in the floodplain as a result of the abandonment. If the right-of-way is to be used for transportation or trail purposes, the existing bridges and culverts may remain in place if maintained. However, if this is not the case, all structures must be removed completely and the embankments re-graded and permanently stabilized.

#### 4. ENDANGERED OR THREATENED SPECIES / CRITICAL HABITATS

If the disturbance caused by the track and tie removal is limited to the ballast area only, there should be no adverse impacts to the endangered species found along the route. However, railroad right-of-ways (ROW) are often found to have rare plants and remnants of prairies occurring along the undisturbed corridor. Prior to ROW conversion to trails or other uses, surveys should be conducted to determine if native grassland savanna, prairie or wet meadow remnants occur along the corridor. If these habitat types are present then rare and endangered species may occur. Additional surveys of these habitat types should be conducted to determine whether rare or endangered species occur. If these species are present, then the remnants should be mapped and the rare species noted. Prior to implementing any actions associated with rail abandonment that may disrupt the ROW or any other development of the area, including staging of equipment, ties and rails, a plan should be developed to avoid or minimize impacts to the remnant habitats and the associated species. If rare species cannot be avoided in the project's impact area, then an incidental take consultation may be conducted to determine if take of the species is allowable.

Any prairie habitat disturbed as a result of the project activities should be reseeded with DNR certified native prairie seed. Every effort should be made to ensure that invasive exotic species are not introduced to the site.

#### 5. WILDLIFE SANCTUARIES OR REFUGES

The rail corridor runs close to an unnamed Tributary to Neshota Creek. As mentioned above, often rail corridors provide valuable habitat for native plant and animal species. Disturbance due to track and tie removal should be kept to the minimum required to do the work.

#### 6. NATIONAL OR STATE PARKS OR FORESTS

There are no National or State Parks or Forests along the project route. DNR purchased the abandoned rail line to the south of this project.

#### 7. COASTAL ZONE MANAGEMENT

Concerns regarding consistency with Coastal Zone Management would be more appropriately addressed by Michael Friis (608-267-7982) at the Wisconsin Department of Administration, 101 East Wilson Street, Madison, WI 53707.

#### 8. SOIL AND NATURAL RESOURCE CONSERVATION

If the only work done is removal of the ties track and possibly culverts and bridges, the project should have minimal impact on natural resources along the route. As mentioned previously, proper erosion control measures must be used and maintained during and after the salvage operation and the route should be reviewed for any rare or unusual prairie habitat.

#### 9. AGRICULTURAL LAND

No comment.

**10. REGIONAL AND/OR LOCAL LAND USE PLANS**

There is an interest with this section of railroad for conversion to a trail by the State of Wisconsin through the DNR's Rails to Trails Program. Gary Hanson, DNR Trail Coordinator, can be reached at (920) 662-5123 for additional information.

**11. SECTION 402 OR 404 PERMITS**

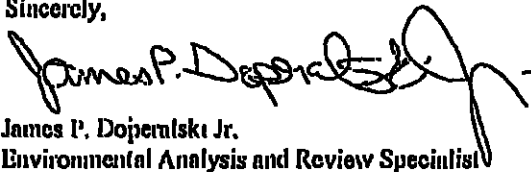
You should contact the U.S. Army Corps of Engineers office in Green Bay, WI (920-448-2824) for further information regarding the need for these permits.

**12. WASTE AND DEMOLITION DISPOSAL**

All demolition and waste material that cannot be recycled must be disposed of in an appropriate manner. Disposal in wetlands or surface waters is not permitted. A plan should be developed describing the method and location of all waste and demolition material disposal.

If you have any questions, please feel free to contact me at 920-662-5119.

Sincerely,



James P. Dopemski Jr.  
Environmental Analysis and Review Specialist

cc: Gary Hanson -- Green Bay  
Tim Mella -- Green Bay  
File: 13414

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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April 18, 2013

Wisconsin Department of Administration  
Wisconsin Coastal Management Program  
P.O. Box 8944  
101 East Wilson Street  
Madison, WI 53708-8944

Re: Docket AB 303 (Sub No. 42X)--Wisconsin Central Ltd.  
Proposed Abandonment in Brown County, Wisconsin

Dear Madam/Sir:

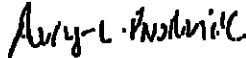
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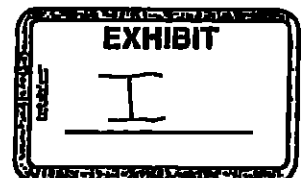
Thank you for your assistance.

Very truly yours,



Audrey L. Brodrick  
Counsel for Wisconsin Central Ltd.

ALB:dg  
Enclosure



## FLETCHER & SIPPEL LLC

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Phone: (312) 252-1500  
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www.fletcher-sippel.com

May 14, 2013

*Via E-Mail and U.S. Mail*  
Kathleen.angel@wis.gov

Coastal Zone Management  
Wisconsin Department of Administration  
101 East Wilson Street  
Madison, WI 53707  
Attention: Kathleen Angel

Re: Docket AB 303 (Sub No. 42X)--Wisconsin Central Ltd.  
Proposed Abandonment in Brown County, Wisconsin

Dear Ms. Angel:

Wisconsin Central Ltd ("WCL") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately .33 miles of railroad line starting at MP 97.75 and ending at MP 98.08 in Brown County, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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12. The need or permits under Sections 402 or 404 of the Clean Water Act.

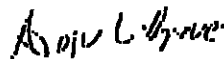
## FLETCHER & SIPPEL LLC

Ms. Kathleen Angel  
May 14, 2013  
Page 2

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,



Audrey L. Brodrick  
Counsel for Wisconsin Central Ltd.

ALB:dg  
Enclosure



# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

April 18, 2013

National Park Service  
Department of Interior  
1849 C Street, N.W.  
Washington, DC 20240

Re: Docket AB 303 (Sub No. 42X)--Wisconsin Central Ltd.  
Proposed Abandonment in Brown County, Wisconsin

Dear Madam/Sir:

Wisconsin Central Ltd ("WCL") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately .33 miles of railroad line starting at MP 97.75 and ending at MP 98.08 in Brown County, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

1. Water quality;
2. Designated wetlands;
3. 100-year old flood plains;
4. Endangered or threatened species;
5. Critical habitats;
6. Wildlife sanctuaries or refuges;
7. National or state parks or forests;
8. Coastal zone management;
9. Soil and natural resource conservations;
10. Agricultural land;
11. Regional and/or local use plans; and
12. The need or permits under Sections 402 or 404 of the Clean Water Act.

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,

*Audrey L. Brodrick*

Audrey L. Brodrick  
Counsel for Wisconsin Central Ltd.

ALB:dg  
Enclosure



# FLETCHER & SIPPET LLC

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(312) 252-1518  
abrodrick@fletcher-sippel.com

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

April 18, 2013

Mr. Kenneth A. Westlake  
Chief, NEPA Implementation Section  
US EPA Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Re: Docket AB 303 (Sub No. 42X)--Wisconsin Central Ltd.  
Proposed Abandonment in Brown County, Wisconsin

Dear Mr. Westlake:

Wisconsin Central Ltd ("WCL") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately .33 miles of railroad line starting at MP 97.75 and ending at MP 98.08 in Brown County, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

1. Water quality;
2. Designated wetlands;
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7. National or state parks or forests;
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11. Regional and/or local use plans; and
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Thank you for your assistance.

Very truly yours,

*Audrey L. Brodrick*

Audrey L. Brodrick  
Counsel for Wisconsin Central Ltd.

ALB:dg  
Enclosure



# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

AUDREY L. BRODRICK  
(312) 252-1518  
abrodick@fletcher-sippel.com

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

April 18, 2013

U.S. Army Corp of Engineers  
St. Paul District (CEMVP-PA)  
190 Fifth Street East  
St. Paul, MN 55101-1638

Re: Docket AB 303 (Sub No. 42X)--Wisconsin Central Ltd.  
Proposed Abandonment in Brown County, Wisconsin.

Dear Madam/Sir:

Wisconsin Central Ltd ("WCL") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately .33 miles of railroad line starting at MP 97.75 and ending at MP 98.08 in Brown County, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

1. Water quality;
2. Designated wetlands;
3. 100-year old flood plains;
4. Endangered or threatened species;
5. Critical habitats;
6. Wildlife sanctuaries or refuges;
7. National or state parks or forests;
8. Coastal zone management;
9. Soil and natural resource conservations;
10. Agricultural land;
11. Regional and/or local use plans; and
12. The need or permits under Sections 402 or 404 of the Clean Water Act.

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,

*Audrey L. Brodrick*

Audrey L. Brodrick  
Counsel for Wisconsin Central Ltd.

ALB:dg  
Enclosure





REPLY TO  
ATTENTION

**DEPARTMENT OF THE ARMY  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL, MINNESOTA 55101-1678**

June 18, 2013

Operations  
Regulatory (2013-01528-JRS)

Ms. Audrey Brodrick  
Fletcher & Sippel, LLC  
29 North Wacker Drive, Suite 920  
Chicago, Illinois 60606

Dear Ms. Sippel:

We have received your request for comment on the Wisconsin-Central Ltd proposed line abandonment in Brown County, Wisconsin. We do not have adequate information to complete a review of the proposed project. In lieu of a specific response, please consider the following general information concerning our regulatory program that may apply to the proposed project.

If the proposal involves activity in navigable waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Section 10 prohibits the construction, excavation, or deposition of materials in, over, or under navigable waters of the United States, or any work that would affect the course, location, condition, or capacity of those waters, unless the work has been authorized by a Department of the Army permit.

If the proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). Waters of the United States include navigable waters; their tributaries, and adjacent wetlands (33 CFR § 328.3). CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usaco.army.mil/regulatory>.

The Corps' evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

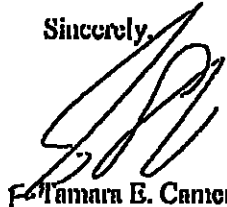
Operations  
Regulatory (2013-01528-JRS)

- 2 -

If the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps' decision whether there is a less damaging practicable alternative to the proposal.

For further information please contact Joey Shoemaker at (920) 448-2824, the Corps' project manager for the County in which this proposal is located. . . .

Sincerely,



Tamara E. Cameron  
Chief, Regulatory Branch



DEPARTMENT OF THE ARMY  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL MN 55101-1678

August 15, 2013

REPLY TO  
ATTENTION OF

Programs and Project Management Division  
Project Management Branch (PM-B)

SUBJECT: Docket AB-303 (Sub-No. 42X)  
Wisconsin Central Ltd - Abandonment Exemption - Brown County, Wisconsin

Ms. Audrey L. Brodrick  
Fletcher and Sippel, LLC  
29 North Wacker Drive  
Chicago, Illinois 60606-2832

Dear Ms. Brodrick:

We are replying to your August 9, 2013, letter requesting comments for the Wisconsin Central Ltd. Petition for Exemption for abandonment of a portion of the railroad line extending from milepost 97.75 and ending at milepost 98.08 in Brown County, Wisconsin.

The potential abandonment, as outlined in the Draft Environmental and Historic Report, will not affect any existing Corps of Engineers projects or real estate within the Saint Paul District Civil Works boundaries. We do not anticipate future impacts to any Corps of Engineers projects or real estate within the District's Civil Works boundaries.

The proposed project is located within the Saint Paul District's Regulatory jurisdiction. Any dredge or fill material deposited in waters of the United States (including wetlands, streams, etc.) requires a CWA 404 permit. You should coordinate with Mr. Jeff Olson of the Saint Paul Regulatory Office concerning permitting questions. Mr. Olson can be reached by telephone at (651) 290-5311 or by mail at: ATTN:CEMVP-OP-R/Jeff Olson, Saint Paul Regulatory Office, Saint Paul District, Army Corps of Engineers, 180 East Fifth Street, Suite 700, Saint Paul, Minnesota 55101-1678.

Please note that this letter does not eliminate the need for State, local, or other authorizations, such as those of the Wisconsin Department of Natural Resources.

Sincerely,

Joseph H. Mose  
Chief, Project Management Branch (PM-B)

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

May 13, 2013

Mr. Sherman Banker  
Wisconsin Historical Society  
Division of Historic Preservation and Public History  
816 State Street  
Madison, WI 53706

Re: Docket AB 303 (Sub No. 42X)--Wisconsin Central Ltd.  
Proposed Abandonment in Brown County, Wisconsin

Dear Mr. Banker:

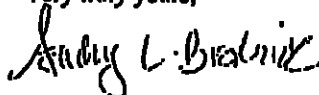
Wisconsin Central Ltd, as successor-in interest to Fox Valley & Western Ltd. ("WCL"), is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 0.3 miles of railroad line starting at MP 97.75 and ending at MP 98.08 in Brown County, Denmark, Wisconsin. Enclosed is a map showing the limits of the abandonment.

I am forwarding the 106 form required by the Wisconsin Historical Society. There are no bridges or railroad structures located along this segment.

We would appreciate a written response as soon as possible so that we may include it in the Environmental report, which we plan to file with the STB in the coming weeks.

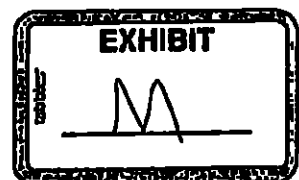
Thank you for your assistance. Please call me should you have questions.

Very truly yours,



Audrey L. Brodrick  
Counsel for Wisconsin Central Ltd.

ALB:dg  
Enclosures



## REQUEST FOR SHPO COMMENT AND CONSULTATION ON A FEDERAL UNDERTAKING

Submit one copy with each undertaking for which our comment is requested. Please print or type. Return to:

Wisconsin Historical Society, Division of Historic Preservation, Office of Preservation Planning, 816 State Street, Madison, WI 53706

Please Check All Boxes and Include All of the Following Information, as Applicable:

RECEIVED

AUG 02 2013

DIV HIST PRES

## I. GENERAL INFORMATION

☐ This is a new submittal.

☒ This is supplemental information relating to Case #: 13 0433/BR and title: \_\_\_\_\_

☐ This project is being undertaken pursuant to the terms and conditions of a programmatic or other interagency agreement.

The title of the agreement is \_\_\_\_\_

a. Federal Agency Jurisdiction (Agency providing funds, assistance, license, permit): Surface Transportation Board, 399 G Street NW, Washington DC 20013

b. Federal Agency Contact Person: Cynthia Brown, Chief Section of Administration, Rachel Campa Phone: 202-245-0245

c. Project Contact Person: Audrey Brodrick Phone: 312-252-1518

d. Return Address: Fletcher & Sippl LLC, 20 N Wacker Drive, Suite 820, Chicago, IL Zip Code: 60606-2832

e. Email Address: abrodrick@fletcher-sippl.com

f. Project Name: Wisconsin Central Ltd proposed Abandonment in Brown County, Denmark, Wisconsin AB-303 (Sub-No. 42X)

g. Project Street Address: N/A-Rail Line Abandonment-Brown County, Denmark, Wisconsin from MP 97.75 and ending at MP 98.08

h. County: Brown City: Denmark Zip Code: 54208

i. Project Location: Township \_\_\_\_\_ Range \_\_\_\_\_ E/W (circle one), Section \_\_\_\_\_ Quarter Sections \_\_\_\_\_

j. Project Narrative Description—Attach Information as Necessary.

k. Area of Potential Effect (APE) Attach Copy of U.S.G.S. 7.5 Minute Topographic Quadrangle Showing APE.

## II. IDENTIFICATION OF HISTORIC PROPERTIES

☐ Historic Properties are located within the project APE per 36 CFR 800.4. Attach supporting materials.

☐ Historic Properties are not located within the project APE per 36 CFR 800.4. Attach supporting materials.

## III. FINDINGS

☒ No historic properties will be affected (i.e., none is present or there are historic properties present but the project will have no effect upon them). Attach necessary documentation, as described at 36 CFR 800.11.

☐ This proposed undertaking will have no adverse effect on one or more historic properties located within the project APE under 36 CFR 800.5. Attach necessary documentation, as described at 36 CFR 800.11.

☐ The proposed undertaking will result in an adverse effect to one or more historic properties and the applicant, or other federally authorized representative, will consult with the SHPO and other consulting parties to resolve the adverse effect per 36 CFR 800.6. Attach necessary documentation, as described at 36 CFR 800.11, with a proposed plan to resolve adverse effect(s).

Authorized Signature: Audrey L. Brodrick Date: 07/30/2013

Type or print name: Audrey L. Brodrick

## IV. STATE HISTORIC PRESERVATION OFFICE COMMENTS

☒ Agree with the finding in section III above.

☐ Object to the finding for reasons indicated in attached letter.

☐ Cannot review until information is sent as follows: \_\_\_\_\_

Authorized Signature: [Signature]

Date: 8/5/13



Docket No AB-303 (Sub-No 42X)

WISCONSIN CENTRAL, LTD

PETITION FOR EXEMPTION FOR  
ABANDONMENT IN BROWN  
COUNTY, WISCONSIN

To: Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E. Street, S.W.  
Washington, D.C. 20024

CERTIFICATE OF COMPLIANCE WITH 49 C.F.R. PART 1105

I hereby certify that on August 9, 2013 copies of the Environmental Report and Historic Report for the above-captioned proceeding were served on the agencies listed at 49 C.F.R. § 1105.7(b), all agencies consulted in preparing the reports, and on the Wisconsin Historical Society. A service list and copy of the letter sent to all such agencies is attached and incorporated into this certificate as Attachment A. The reports have been sent within the time period specified, as Wisconsin Central Ltd is filing its Petition for Exemption more than 20 days after it served its Environmental Report and Historic Report. All appropriate agencies as listed in 49 C.F.R. § 1105.7(c) have been consulted well in advance of preparing the Environmental Report.

I also certify that a newspaper notice was published on May 18, 2013 in *The Green Bay Press Gazette*, a newspaper of general circulation in Brown County, Wisconsin. The notices alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. A copy of the text of the notice is attached to this certificate as Attachment B.

Dated this 5<sup>th</sup> day of September, 2013

Audrey L. Brodrick  
Audrey L. Brodrick  
Counsel for Wisconsin Central Ltd



## ATTACHMENT A

Brown County, Docket No. AB 303 (Sub-No. 42X)

Mr. Patrick Moynihan, Jr  
County Board Chairperson—Brown County,  
Wisconsin  
PO Box 23600  
Green Bay, WI 54301-3600

Mr. Patrick Moynihan, Jr  
County Board Chairperson—Brown  
County, Wisconsin  
305 East Walnut Street  
Green Bay, WI 54305

Wisconsin Department of Transportation  
Hill Farms State Transportation Building  
4802 Sheboygan Avenue  
PO Box 7910  
Madison, Wisconsin 53707-7910

Via E-mail and U.S. Mail to:  
Simon.Monroc@noaa.gov  
NGS.Infocenter@noaa.gov

National Geodetic Survey  
Geodetic Survey Division  
1315 East-West Highway  
Silver Springs, Maryland 20910-3282  
Attention: Simon Monroe

Mr. Gregory Hines, RC&D Coordinator  
National Resource Conservation Service  
3071 Voyager Drive, Suite E  
Green Bay, WI 54311-8343

USDA, NRCS, Office of the Chief  
1400 Independence Ave., SW, Room  
5105-A  
Washington, DC 20250

U.S. Environmental Protection Agency  
Office of Water  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Mr. David M. Kennedy, Director  
Office of Ocean and Coastal Resource  
Management  
NOAA Ocean Service  
1305 East-West Highway  
Silver Springs, Maryland 20910

U.S. Fish & Wildlife Service  
2800 Lake Shore Drive East Suite B  
Ashland, WI 54806-2427

Wisconsin Department of Natural  
Resources  
DNR Northeast Region HDQRS  
2984 Shawano Ave.  
Green Bay, Wisconsin 54313-6727

Wisconsin Department of Natural  
Resources  
P.O. Box 7921  
Madison, WI 53707

National Park Service  
Department of Interior  
1849 C Street, N.W.  
Washington, DC 20240

Mr. Kenneth A. Westlake  
Chief, NEPA Implementation Section  
US EPA Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

U.S. Army Corp of Engineers  
St. Paul District (CEMVP-PA)  
190 Fifth Street East  
St. Paul, MN 55101-1638

Wisconsin Department of Administration  
Wisconsin Coastal Management Program  
P.O. Box 8944  
101 East Wilson Street  
Madison, WI 53708-8944

**ATTACHMENT A**

Via E-mail (Kathleen.angel@wis.gov)  
and U.S. Mail  
Coastal Zone Management  
Wisconsin Department of Administration  
101 East Wilson Street  
Madison, WI 53707  
Attention: Kathleen Angel

Mr. Sherman Banker  
Wisconsin Historical Society  
Division of Historic Preservation and  
Public History  
816 State Street  
Madison, WI 53706

Wisconsin Department of IGA Relations  
P.O. Box 7868  
101 East Wilson Street, 6th Floor  
Madison, WI 53707-7868

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

August 9, 2013

Mr. Patrick Moynihan, Jr.  
County Board Chairperson—Brown County, Wisconsin  
305 East Walnut Street  
Green Bay, WI 54305

Re: Docket No. AB-303 (Sub-No. 42X)  
Wisconsin Central Ltd. – Abandonment  
Exemption – In Brown County, Wisconsin

Dear Mr. Moynihan:

On or after August 30, 2013, Wisconsin Central Ltd ("WCL") expects to file with the Surface Transportation Board a petition for exemption for the abandonment of WCL's railroad line extending from MP 97.75 and ending at MP 98.08 in Brown County, Wisconsin, a distance of approximately 0.33 miles. Your review of and comments on this project were previously requested by letter dated April 18, 2013.

In accordance with 49 C.F.R. §§ 1105.7(b) and 1105.11, we are providing for your information the enclosed Environmental/Historic Report which will accompany the petition for exemption and which describes the proposed action and any expected environmental or historic effects. The Report also includes a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis at the following address.

Surface Transportation Board  
Office of Environmental Analysis  
395 E Street, S.W., Room 1106  
Washington, DC 20423-0001  
(202) 245-0295

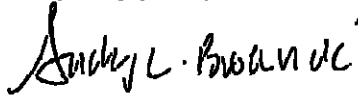
Your comments should reference Docket No. AB-303 (Sub-No. 42X) and, if written, should include a copy to the undersigned. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the Office of Environmental Analysis would be appreciated within three weeks.

## FLETCHER & SIPPEL LLC

Mr. Patrick Moynihan, Jr.  
County Board Chairperson-Brown County, Wisconsin  
August 9, 2013  
Page 2

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, you should feel free to contact me directly at 312-252-1518. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Audrey L. Brodick  
Attorney for Wisconsin Central Ltd.

ALB:dg  
Enclosure

## ATTACHMENT B

### NOTICE

THIS NOTICE IS A CORRECTION FROM A NOTICE THAT RAN ON APRIL 26, 2013

Wisconsin Central Ltd. gives notice that on or after June 7, 2013 it intends to file with the Surface Transportation Board, Washington, DC 20423, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting the abandonment of a 0.33 mile line of railroad between railroad milepost 97.75 near Pine Street, north to railroad milepost 98.08 which traverses through United States Postal Service ZIP Codes 54208 in Denmark, Brown County, WI. The proceeding will be docketed as No. AB 303 (Sub-No. 42X).

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, Washington, DC 20423 or by calling SEA at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Fletcher & Sippel LLC, Attention: Audrey L. Brodrick, 29 N. Wacker Dr., Suite 920, Chicago, IL 60606.



# GREEN BAY PRESS-GAZETTE

GREENBAYPRESSGAZETTE.COM

Delivering Customers. Driving Results.

A GANNETT COMPANY

STATE OF WISCONSIN  
BROWN COUNTY

FLETCHER & SIPPEL LLC  
29 NORTH WACKER DRIVE, SUITE 920  
CHICAGO, IL 60606

Natalie Bridenhagen

Being duly sworn, doth depose and say that she/he is an authorized representative of the Green Bay Press Gazette, a newspaper published in Brown and Kewaunee Counties, Wisconsin, and that an advertisement of which the annexed is a true copy, taken from said paper, which was published therein on

Account Number: 475547

Ad Number: 6798809

Published Date: May 18, 2013

Total Ad Cost: \$67.78

(Signed)   
Legal Clerk

(Date) 5/20/13

Signed and sworn before me

  
Notary Public, Brown County, Wisconsin

My commission expires 10/6/2013

FLETCHER & SIPPEL LLC

Re: Correction notice

NOTICE  
THIS IS A  
CORRECTION FOR  
A NOTICE THAT  
RAN ON APRIL 26<sup>th</sup>  
Wisconsin Central  
gives notice that on  
after June 7, 2013 it  
winds to file with the  
State Transportation  
Board, Washington, DC  
20423, a petition for  
exemption under 49  
U.S.C. 10502 from the  
prior approval require-  
ments of 49 U.S.C. 1  
10903(a) to permit  
the abandonment of a  
0.33 mi. a hole of railro  
between railroad mile  
post 97.75, near Pine  
Street, north to railroad  
milepost 98.08 which  
verses through United  
States Postal Service  
ZIP Code 54208 in E  
man, Brown County.  
The proceeding will be  
doctored as No. AB 3  
(Sub No. 42X).  
The Board's Office of  
Environmental Analysis  
(OEA) will generally p  
pare an Environmental  
Assessment (EA), wh  
will normally be availa  
60 days after the filing  
the petition for exempti  
Comments on environ-  
mental and energy m  
atters should be filed no  
later than 30 days afte  
the EA becomes availa-  
ble to the public and  
be addressed in a dis-  
cussion. Interested  
persons may obtain a  
copy of the EA or mak  
inquiries regarding an  
environmental matter by  
writing to the Office of  
Environmental Analysis  
(OEA), Surface Trans-  
portation Board, Wash-  
ington, DC 20423 or b  
calling that office at 20  
245 0295.  
Appropriate officers of  
financial assistance to  
contribute rail service  
be filed with the Board.  
Requests for environ-  
mental conditions, rail  
use conditions, or rail  
banking/trails use etc.  
can be filed with the  
Board. An original and  
copies of any pleading  
that raises matters of  
than environmental is-  
sues (such as trails us  
public use, and other  
financial assistance)  
must be filed directly  
the Board's Section of  
Administration, Office  
Proceedings, 395 L  
Street, SW, Washing  
DC 20423-0001 (See  
CFR  
1104.1(a) and 1104.3  
, and one copy must  
served on applicants'  
representative (See 41  
CFR 1104.12(a)). Qu  
estions regarding offe  
financial assistance p  
the use of trails use m  
be directed to the  
Board's Office of Pub  
Assistance, Governmen  
tal Affairs and Compli  
ance at 202-245-0238  
Copies of any amendm  
or requests for consid  
should be served on  
the applicant's represe  
ntative. Fletcher & Sip  
pel LLC, Attention: Aud  
Bridick, 29 N Wacker  
Dr., Suite 920, Chicag  
IL 60608  
May 18 2013 WYAXL

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